

67:14:32:05.03. Screening for substantiated reports or convictions of abuse and neglect.

The department shall screen an applicant and family members and other household members who are at least ten years old to determine if the individual has been involved in any substantiated incidents of child abuse or neglect. The individual may not have a substantiated report of child abuse or neglect. Substantiated reports of child abuse or neglect include the occurrence of any of the following:

- ~~—(1) The department or a tribal program which contracts with the department to provide child protection services has investigated and substantiated a report of abuse or neglect involving the individual;~~
- ~~—(2) The individual has admitted to abusing or neglecting a child;~~
- ~~—(3) There has been an adjudication that the individual abused or neglected a child;~~
- ~~—(4) The individual has been found guilty of child abuse or neglect; or~~
- ~~—(5) The individual has been found guilty of a sex offense under SDCL chapter 22-22. those reports placed into the department's central registry under § 67:14:39:03, those reports placed on the central registry of another state, and those reports that were investigated and substantiated by a tribal program.~~

If ~~a~~ the screening locates ~~a substantiated report on an individual listed in this section~~ an individual's name on the department's central registry and the individual has not already been given due process on the substantiation, the department shall notify the individual in writing that he or she may request a ~~review~~ hearing to refute the accuracy of the information found. The ~~review~~ hearing shall follow the provisions of SDCL 26-8A-11 and ~~§ 67:14:39:06~~ chapter 67:14:39.

~~—The department may waive substantiated reports of child abuse or neglect as contained in subdivisions (1) and (2) of this section to allow an applicant to adopt if the substantiated report is at least seven years old and a review pursuant to § 67:14:39:09 determines that the~~

~~individual has taken actions to eliminate the risk that the individual would abuse or neglect a child.~~

~~—If a conviction of child abuse or a conviction of a sex offense involving a household member is located in the central registry, the department shall deny the application and notify the household of the denial.~~

If the screening locates an individual's name on the central registry of another state, it is the individual's responsibility to contact the other state to access the process for removal of his or her name from that state's central registry. If the other state has such a process and removes the individual's name from its central registry, the individual shall request the other state to submit documentation to the department verifying the removal of the individual's name from its central registry.

If the screening locates a report that was substantiated by a tribal program, it is the individual's responsibility to contact the tribal program to access the process for removal of his or her name from the record of the report. If the tribal program has such a process and removes the individual's name from the record of the report, the individual shall request the tribal program to submit documentation to the department verifying the removal of the individual's name from the record.

Source: 7 SDR 23, effective September 18, 1980; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 17 SDR 157, effective April 23, 1991; 22 SDR 102, effective February 7, 1996.

General Authority: SDCL 26-4-9.1.

Law Implemented: SDCL 26-4-9.1.

67:14:32:05.05. Application denied if criminal record check detects certain crimes.~~If the criminal record check required under § 67:14:32:11.01 detects convictions for crimes which would indicate harmful behavior towards children, the application shall be denied and the department shall notify the applicant of the denial.~~ The department shall deny an application and shall notify the applicant of the denial if the criminal record check required under § 67:14:32:11.01 detects a conviction for any of the following:

- (1) A crime that would indicate harmful behavior towards children;
- (2) A crime of violence as defined by SDCL 22-1-2 or a similar statute from another state;
- (3) A sex crime pursuant to SDCL chapters 22-22 or 22-24A or SDCL § 22-22A-3 or similar statutes from another state; or
- (4) Within the preceding five years, a conviction for any other felony.

Source: 17 SDR 157, effective April 23, 1991.

General Authority: SDCL 26-4-9.I.

Law Implemented: SDCL 26-4-9.1.

Cross-References:

Required criminal records checks, 42 U.S.C. § 671(a)(20).

Home study report by licensed child placement agency, Department of Social Services, or certified independent social worker required – Exception – Criminal record check and central registry screening to be included – Violation as misdemeanor, SDCL 25-6-9.1.

Confidentiality of abuse or neglect information – Violation as misdemeanor – Release to certain parties, SDCL 26-8A-13.

Information from another state's central registry or national crime database to be used only for background check for approval of foster or adoptive placement, SDCL 26-6-14.13.

67:14:32:08. General qualifications for adoptive applicants. The general qualifications for an adoptive applicant are as follows:

(1) The applicant is at least 21 years of age and resides in South Dakota. Verification of age is required;

(2) No member of the applicant's household ten years of age or older, other than a child placed in the home for foster care, has on record a substantiated report of child abuse or neglect;

(3) No member of the applicant's household has had a conviction for any of the crimes specified in § 67:14:32:05.05;

~~(3)(4) Each member of the applicant's household is stable, emotionally mature, reputable, and~~The applicant is capable of providing good care for children.~~If questions arise during the application process regarding the applicant's emotional stability or the emotional stability of another household member, a psychological evaluation and medical records related to that condition may be required;~~

~~(4)(5)~~ The applicant has income to meet the needs of the applicant's existing family and to support, care, and educate an adopted child;

~~(5)(6)~~ The applicant's children, if any, are willing to accept an adopted child as a member of the family;

~~(6)(7)~~ The applicant's family composition, needs, and relationships may not adversely affect an adopted child; and

~~(7)(8)~~ The applicant has the ability to parent a child, which includes a basic understanding of the child's physical and mental or emotional development and the ability to fulfill the child's needs. An applicant must have the ability to offer continuing care and guidance to a child throughout the stages of the child's development in a manner consistent with the social and cultural heritage norms of the child. The applicant must be able to continue meeting the needs

of the applicant's own children, if any. The applicant must display the capacity to provide good care for children.

The department may require a psychological evaluation and the submission of medical records if questions arise during the application process regarding the applicant's emotional stability or the emotional stability of another household member.

Source: 2 SDR 62, effective April 5, 1976; 7 SDR 23, effective September 18, 1980; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 72, effective December 14, 1982; 17 SDR 157, effective April 23, 1991; 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-4-9.1.

Law Implemented: SDCL 26-4-9.1.

Cross-References:

Required criminal records checks, 42 U.S.C. § 671(a)(20).

Home study report by licensed child placement agency, Department of Social Services, or certified independent social worker required – Exception – Criminal record check and central registry screening to be included – Violation as misdemeanor, SDCL 25-6-9.1.

Confidentiality of abuse or neglect information – Violation as misdemeanor – Release to certain parties, SDCL 26-8A-13.

Information from another state's central registry or national crime database to be used only for background check for approval of foster or adoptive placement, SDCL 26-6-14.13.

67:14:32:09. Physical health standards required of applicant and applicant's family. A physical examination is required for each applicant. A physical examination completed within the 12 months preceding the application is acceptable. The applicant must present evidence to the department that each child living in the home is currently immunized against ~~rubella,~~ rubeola, mumps, whooping cough, diphtheria, tetanus, measles, mumps, and rubella (MMR); diphtheria, tetanus, and pertussis (DTP); Haemophilus Influenzae Type b (Hib); Hepatitis B (Hep B); and polio. ~~Each person in the household who is over the age of one year must have a Mantoux tuberculin skin test. A person who reacts to the test but is without disease and who does not complete a preventive course of Isoniazid, INH, must demonstrate evidence of no active disease by a physical evaluation completed by a medical doctor or a physician's assistant. A person who has been infected by tuberculosis and has completed a minimum six-month course of INH and a person who shows no reaction to the test at the time of application are exempt from further tuberculin evaluation for the purposes of this chapter. A copy of the tuberculin test reports and physical evaluations must be furnished to the department on request.~~

The applicant may obtain the physical examination forms from the department. The forms must be completed by the attending physician, certified nurse practitioner, or physician's assistant and returned to the department. If questions arise during the adoptive study concerning the applicant's medical condition or the medical condition of another household member, additional medical evaluations may be required.

Source: 2 SDR 62, effective April 5, 1976; 7 SDR 23, effective September 18, 1980; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 17 SDR 157, effective April 23, 1991.

General Authority: SDCL 26-4-9.1.

Law Implemented: SDCL 26-4-9.1.

67:42:01:05.01. Criminal record check.~~For those family foster home applicants seeking licensure from the department and those family foster homes licensed by the department, the department shall secure a criminal record check to detect convictions for crimes which would indicate harmful behavior towards children, crimes of violence as defined by SDCL 22-1-2 or a similar statute from another state, or sex crimes pursuant to SDCL chapter 22-22 or similar statutes from another state, or felony convictions for spousal abuse or drug related crimes.~~
The department shall secure a criminal record check to obtain information concerning convictions for criminal offenses by a prospective foster parent as well as any other adult living in the prospective foster home. An individual is not eligible to receive a foster home license if the individual or any other adult living in the prospective foster home has a conviction for any of the following:

- (1) A crime that would indicate harmful behavior towards children;
- (2) A crime of violence as defined by SDCL 22-1-2 or a similar statute from another state;
- (3) A sex crime pursuant to SDCL chapters 22-22 or 22-24A or SDCL § 22-22A-3 or similar statutes from another state; or
- (4) Within the preceding five years, a conviction for any other felony.

If an individual is seeking licensure from another child-placement agency, the department shall obtain the criminal record check for the child-placement agency if the child-placement agency is unable to obtain the record check on its own. If the criminal record check reveals a conviction for any of the crimes listed in this section, the department shall notify the child-placement agency of the existence of the conviction.

For family day care and all other child welfare agencies, the department shall review the provider's records to ensure that the criminal records are being secured to detect convictions for crimes which would indicate harmful behavior towards children, crimes of violence as defined by SDCL 22-1-2 or a similar statute from another state, or sex crimes pursuant to

~~SDCL chapter 22-22 or similar statutes from another state, or felony convictions for spousal abuse or drug related crimes~~ any of the crimes listed in this section.

Source: 17 SDR 157, effective April 23, 1991; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; 22 SDR 102, effective February 7, 1996; 27 SDR 63, effective December 31, 2000.

General Authority: SDCL 26-6-14.3, 26-6-16.

Law Implemented: SDCL 26-6-14.3, 26-6-14.11, 26-6-16.

Cross-References:

Persons to whom criminal record requirement applies, SDCL 26-6-14.4;_

Waiver, fingerprinting and declaration as condition of employment -- Time -- Immediate termination of employee, SDCL 26-6-14.5;_

Revocation or refusal to issue or renew license or registration for child abuse or violence, SDCL 26-6-23.1.

Information from another state's central registry or national crime database to be used only for background check for approval of foster or adoptive placement, SDCL 26-6-14.13.

Required criminal records checks, 42 U.S.C. § 671(a)(20).

67:42:01:05.02. Screening for substantiated reports of abuse and neglect. The department shall screen a provider applicant, family members and other household members who are at least ten years old, an employee of the facility, an employee applicant, a volunteer, and a volunteer applicant to determine if the individual has been involved in any substantiated incidents of child abuse or neglect. The individual may not have a substantiated report of child abuse or neglect. Substantiated reports of child abuse or neglect include ~~the occurrence of any of the following:~~

- ~~—(1) The department or a tribal program which contracts with the department to provide child protection services has investigated and substantiated a report of abuse or neglect involving the individual;~~
- ~~—(2) The individual has admitted to abusing or neglecting a child;~~
- ~~—(3) There has been an adjudication that the individual abused or neglected a child;~~
- ~~—(4) The individual has been found guilty of child abuse or neglect; or~~
- ~~—(5) The individual has been found guilty of a sex offense under SDCL chapter 22-22 those reports placed into the department's central registry under § 67:14:39:03, those reports placed on the central registry of another state, and those reports that were investigated and substantiated by a tribal program.~~

If ~~a~~ the screening locates ~~a substantiated report on an individual listed in this section~~ an individual's name on the department's central registry and the individual has not already been given due process on the substantiation, the department shall notify the individual in writing that he or she may request a ~~review~~ hearing to refute the accuracy of the information found. The ~~review~~ hearing shall follow the provisions of SDCL 26-8A-11 and ~~§ 67:14:39:06~~ chapter 67:14:39.

If the screening locates an individual's name on the central registry of another state, it is the individual's responsibility to contact the other state to access the process for removal of his or her name from that state's central registry. If the other state has such a process and removes

the individual's name from its central registry, the individual shall request the other state to submit documentation to the department verifying the removal of the individual's name from its central registry.

If the screening locates a report that was substantiated by a tribal program, it is the individual's responsibility to contact the tribal program to access the process for removal of his or her name from the record of the report. If the tribal program has such a process and removes the individual's name from the record of the report, the individual shall request the tribal program to submit documentation to the department verifying the removal of the individual's name from the record.

~~The department may waive substantiated reports of child abuse or neglect as contained in subdivisions (1) and (2) of this section to allow an individual to be licensed, to work, or to be present in a licensed child welfare agency if the substantiated report is at least seven years old and a review pursuant to § 67:14:39:09 determines that the individual has taken actions to eliminate the risk that the individual would abuse or neglect a child.~~

Source: 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995; 22 SDR 102, effective February 7, 1996.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-11, 26-6-16, 26-6-23.2.

Cross-References:

Revocation or refusal to issue or renew license or registration for child abuse or violence, SDCL 26-6-23.1;

Central registry background checks on employees, SDCL 26-6-23.2;

Substantiated reports, § 67:14:39:04.

67:42:01:07. Physical health standards required of applicant and applicant's family. An applicant for family foster care or family day care must have a physical examination. A physical examination completed within the 12 months preceding the date of the application is acceptable. The applicant may obtain the physical examination forms from the department. The forms must be completed by the attending physician, physician's assistant, or certified nurse practitioner and returned to the department.

The applicant must also present evidence to the department that each household member under the age of 18 meets the Department of Health's requirements for immunizations against measles, mumps, and rubella (MMR); diphtheria, tetanus, and pertussis (DTP); Haemophilus Influenzae Type b (Hib); Hepatitis B (Hep B); and polio. ~~Each household member 18 years of age or older must have a Mantoux tuberculin test prior to initial licensure. Individuals who react to the testing but are without disease and who do not complete a preventive course of Isoniazid, INH, must annually demonstrate evidence of no active disease by a physical evaluation completed by a medical doctor. Individuals who have been infected by tuberculosis and have completed a minimum six-month course of INH and individuals who show no reaction to the test prior to licensure are exempt from further tuberculin evaluation for the purposes of this chapter. A copy of the tuberculin test reports and physical evaluations must be kept in the provider's file.~~

The department may request additional medical statements when a situation, such as a change in the health of the applicant or another household member, indicates that an additional medical statement is desirable.

Source: 4 SDR 2, effective July 25, 1977; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 48, effective November 21, 1983; 12 SDR 4, effective July 25, 1985; 12 SDR 127, effective February 9, 1986; 15 SDR 94, effective January 1, 1989; 17 SDR 157, effective April 23, 1991; 21 SDR 206, effective June 4, 1995; 31 SDR 40, effective September 29, 2004.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-11, 26-6-16.

CHAPTER 67:42:05

FAMILY FOSTER HOMES

Section

- 67:42:05:01 Definitions.
- 67:42:05:02 Licensing and supervision of family foster parent.
 - 67:42:05:02.01 Contents of licensing record to be available to foster parent.
- 67:42:05:03 Training and development.
- 67:42:05:04 Status and number of children cared for -- Exceptions.
- 67:42:05:05 Repealed.
- 67:42:05:06 General qualifications for family foster care provider.
 - 67:42:05:06.01 Application denied if report of child abuse or neglect is substantiated.
- 67:42:05:07 Transferred.
- 67:42:05:08 Repealed.
- 67:42:05:09 and 67:42:05:10 Repealed.
- 67:42:05:10.01 Smoke detectors.
- 67:42:05:10.02 Lighting.
- 67:42:05:10.03 Water supply.
- 67:42:05:10.04 Heating plant.
- 67:42:05:10.05 Safety caps.
- 67:42:05:10.06 Exits.
- 67:42:05:11 Sanitation requirements.
- 67:42:05:12 Nutrition requirements.
- 67:42:05:13 Program requirements.
- 67:42:05:14 Transferred.
- 67:42:05:15 Discipline.
- 67:42:05:16 Food quality -- Storage.

67:42:05:17 Insect and rodent control.

67:42:05:18 Railings.

67:42:05:19 Sleeping space.

67:42:05:20 Access to hazardous items – Completion of hunter safety course required.

67:42:05:21 Water safety.

67:42:05:06. General qualifications for family foster care provider. In addition to the criteria of § 67:42:01:06, a family foster care applicant or a licensed family foster parent must meet the following additional criteria before the applicant or foster parent may be licensed or relicensed as a family foster parent:

(1) The applicant or foster parent is at least 21 years of age and resides in South Dakota. Verification of age is required;

(2) No household member ten years of age or older other than a child placed in the home for foster care has on record a substantiated report of child abuse or neglect;

(3) No member of the applicant's household has had a conviction for any of the crimes specified in § 67:42:01:05.01;

~~(3)(4) Each household member is stable, emotionally mature, reputable, and~~ The applicant or foster parent is capable of providing good care for children. ~~If questions arise during the application process or during the period of licensure regarding the applicant's or foster parent's emotional stability or the emotional stability of another household member, a psychological evaluation and medical records related to that condition may be required;~~

~~(4)(5)~~ The applicant or foster parent has income which meets the needs of the existing family, independent of the foster care maintenance payments;

~~(5)(6)~~ The applicant's or foster parent's children, if any, are willing to accept a foster child as a member of the family;

~~(6)(7)~~ The applicant's or foster parent's family composition, needs, and relationships may not adversely affect a child in care;

~~(7)(8)~~ If the applicant or foster parent is employed outside the home, the child placement agency must have approved the applicant's or foster parent's child care plan;

~~(8)(9)~~ If the applicant or foster parent is married and both individuals are employed outside the home, the child placement agency must have approved the applicant's or foster parent's child care plan; and

~~(9)~~(10) The applicant or foster parent has the ability to parent a child, which includes a basic understanding of the child's physical and mental or emotional development and the ability to fulfill the child's needs. The applicant or foster parent must have the ability to offer continuing care and guidance to a child throughout the stages of development in a manner consistent with the social and cultural heritage norms of the child. The applicant or foster parent must be able to continue meeting the needs of the applicant's or foster parent's own children, if any. The applicant or foster parent must display the capacity to provide good care for children.

The department may require a psychological evaluation and the submission of medical records if questions arise during the application process or during the period of licensure regarding the applicant's or foster parent's emotional stability or the emotional stability of another household member.

Source: 4 SDR 2, effective July 25, 1977; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 11 SDR 101, effective February 3, 1985; 17 SDR 157, effective April 23, 1991; 20 SDR 223, effective July 7, 1994; 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16, 26-6-23.2.

Cross-References:

Evaluation and approval, § 67:42:01:05.

Ability to provide care, § 67:42:01:06.

Training and development, § 67:42:05:03.

Application for child welfare agency license -- Investigations by division, SDCL 26-6-11.

Screening for substantiated reports of abuse and neglect, § 67:42:01:05.02.

Required criminal records checks, 42 U.S.C. § 671(a)(20).

67:42:05:10.03. Water supply. Water must be derived from a community water system or from a water system that is tested at least annually by the Department of Environment and Natural Resources or a laboratory certified by the Department of Health to conduct such tests. The water must be tested for bacteria and nitrate levels and must be safe for consumption. The provider must maintain written documentation of the test results. The volume of water must be sufficient to meet the needs of the home. Hot water to plumbing fixtures normally utilized by children in care must be at least 110 degrees Fahrenheit and may not exceed 130 degrees Fahrenheit.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 11 SDR 101, effective February 3, 1985; 21 SDR 206, effective June 4, 1995.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-Reference: Definition of community water system, § 74:04:05:01.

67:42:05:18. Railings. Floor and wall openings, open-sided areas, or platforms 30 inches or more above the adjacent ground level shall be guarded by a standard railing ~~at least 40 inches high~~ that meets the local building code for height or be at least 34 inches high, whichever is greater. The railing must have intermediate rails or an ornamental pattern such that a sphere four inches in diameter cannot pass through any opening.

Source: 11 SDR 101, effective February 3, 1985.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:05:21. Water safety. Children under the age of 12 may not play in areas where there is any body of water unless they are under constant supervision. A body of water includes pools, hot tubs, fish ponds, ditches, animal watering tanks, tubs, pails, sinks, toilets, or any other area which presents a drowning risk to young children.

Swimming pools located on the premises of the provider's home and not emptied after each use must be secured on all sides with a fence that is at least five feet high and constructed to discourage climbing. If a chain-link fence is used, the fence must be constructed of chain link that does not exceed one and three-quarters inches. A wall of the home may not be considered as one side of the fence if that area of the house has access to the pool area. Exits from and entrances to the pool must have self-closing, latching gates that must be latched and locked at all times when children in foster care are present. If the home has a hot tub, the tub must be covered with a safety cover approved by the American Society for Testing and Materials (ASTM).

Source:

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

CHAPTER 67:42:07

GROUP CARE CENTERS FOR MINORS

Section

- 67:42:07:01 Definitions.
- 67:42:07:01.01 Shelter care facility -- Length of stay.
- 67:42:07:01.02 Agreement to provide alternative services.
- 67:42:07:02 Qualifications for program director.
- 67:42:07:03 Staff-child ratio.
- 67:42:07:04 Orientation and in-service training.
- 67:42:07:05 Treatment plan.
- 67:42:07:06 Repealed.
- 67:42:07:07 Staff qualifications -- Contact with references required.
- 67:42:07:08 Staff health requirements.
- 67:42:07:09 Personnel record.
- 67:42:07:10 Health care of children.
- 67:42:07:11 Fire and health inspections.
- 67:42:07:11.01 Building plans.
- 67:42:07:12 Sleeping space.
- 67:42:07:13 Nutrition requirements.
- 67:42:07:14 Volunteers.
- 67:42:07:15 Staff responsibility for reporting suspected in-house incidents of child abuse or neglect.
- 67:42:07:16 Facility procedures for handling suspected in-house child abuse.
- 67:42:07:17 Interstate placement of children.
- 67:42:07:18 Written policy on discipline.
- 67:42:07:19 Written procedures for medication administration.

67:42:07:20	Psychotropic medications.
67:42:07:21	Repealed.
67:42:07:22	Required medication records.
67:42:07:23	Medication control.
67:42:07:24	Use of seclusion and restraint to be approved by child placement agency -- Required documentation.
67:42:07:25	Physical requirements for room used for seclusion.
67:42:07:26	Staff person to monitor seclusion room.
67:42:07:27	Placement in seclusion or restraint -- Limits.
67:42:07:28	Review and evaluation of treatment plan.
67:42:07:29	Written policy requirements.

67:42:07:07. Staff qualifications -- Contact with references required. The facility shall contact at least three former employers ~~and at least three personal or, if former employers are not available, professional~~ references of an employee applicant concerning the applicant's character, ~~emotional stability,~~ and competence. ~~The personal references may not be related to the employee applicant~~ may not be related to the former employers or the references. The facility shall maintain a record of the ~~contact with the references~~ contacts. Records of contact must be in the form of a documented conversation or a written letter. ~~References-~~ Contacts must be on record before hiring staff.

An employee must be at least ~~24~~ 18 years of age and may not have on record a substantiated report of child abuse or neglect. An employee who is under the age of 21 must be under the direct supervision of an experienced child care staff member who is at least 21 years of age and must be at least three years older than any child the employee supervises.

An employee must demonstrate a capacity to carry out the duties of the employee's job description.

~~—The age requirement does not apply to a college intern who is working under the direct supervision of an experienced child care staff member.~~

Source: SL 1975, ch 16, § 1; transferred from § 67:14:22:18, 4 SDR 10, effective August 28, 1977; transferred from § 67:41:05:10, 7 SDR 66, 7 SDR 89, effective July 1, 1981; transferred from § 67:42:06:05, 12 SDR 4, effective July 25, 1985; 15 SDR 162, effective May 4, 1989; 20 SDR 223, effective July 7, 1994; 34 SDR 200, effective January 30, 2008.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-References:

Report to social services -- Content, SDCL 26-8A-10.

Fair hearings, ch 67:17:02.

Revocation or refusal to issue or renew license or registration for child abuse or violence,
SDCL 26-6-23.1.

Screening for substantiated reports of abuse and neglect, § 67:42:01:05.02.

67:42:07:11.01. Building plans. Before building a new facility or renovating or altering an existing facility, the facility must submit a copy of the proposed building, renovation, or alteration plan to the department for approval. The plan must indicate the interior dimensions of each room and the intended use of the room, the location of the fixtures in each bathroom, and the location of the appliances and fixtures for the kitchen. Indoor and outdoor play space must be identified.

Source:

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:08:05. Treatment plan. The facility shall develop a written treatment plan for each child in care within 14 days after the date of admission. The development of the treatment plan must involve the child in care; the facility staff working with the child, including members of the treatment team required by 42 C.F.R. § 441.156, effective October 1, 2007; the placement agency; and if appropriate, the parent or guardian. The treatment plan must be signed by each of the individuals involved in development of the plan and, in addition to the requirements contained in 42 C.F.R. § 441.155, must include an assessment of the child's needs, strengths, weaknesses, and problems; treatment goals for the child and the child's family with an integrated program of therapies, activities, and experiences designed to meet the goals; projected times for achieving the stated goals; the projected length of stay; the conditions under which the child will be discharged; and a discharge plan that meets the requirements of § 67:42:15:12.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 4, effective July 25, 1985; 27 SDR 121, effective May 28, 2001; 33 SDR 227, effective July 1, 2007; 34 SDR 200, effective January 30, 2008.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

Cross-References:

Individual plan of care, 42 C.F.R. § 441.155.

Protection of residents – Emergency safety intervention, 42 C.F.R. § 483.356(b).

CHAPTER 67:42:09

CHILD PLACEMENT AGENCIES

Section

67:42:09:01	Definitions.
67:42:09:02	Repealed.
67:42:09:03	Repealed.
67:42:09:04	Fees for services.
67:42:09:05	Repealed.
67:42:09:06	Repealed.
67:42:09:07	Qualifications for social work supervisor.
67:42:09:07.01	Qualifications for social workers.
67:42:09:08	Qualifications and responsibilities of paraprofessional staff.
67:42:09:08.01	Contact with references required.
67:42:09:09	Use of volunteers.
67:42:09:10	Staff development and in-service training.
67:42:09:11	Staff personnel records.
67:42:09:12	Intake policy.
67:42:09:13	Standard requirements and responsibilities in the provision of client services.
67:42:09:14	Adoptive services.
67:42:09:15	Agency qualifications for adoptive applicants.
67:42:09:16	Adoptive placement services.
67:42:09:17	Foster care services.
67:42:09:18	Foster home services.
67:42:09:18.01	Training and development <u>Repealed.</u>
67:42:09:19	Medical and dental services.

67:42:09:20	Services to unmarried parents.
67:42:09:21	Legal services and responsibilities.
67:42:09:22	Other agency services.
67:42:09:23	Interstate placement of children.
67:42:09:24	Client case records.
67:42:09:25	Foster home record.
67:42:09:26	Adoptive home record.
67:42:09:27	Agency record and reports.

67:42:09:18. Foster home services. The agency shall approve foster homes with an annual letter or certificate of approval. The approval shall be based on the following qualifications:

(1) The foster home shall meet the ~~religious~~, emotional, and physical needs of the child and, as appropriate and where possible, preserve the child's religious, racial, cultural, or tribal heritage; and

(2) The foster home shall meet the standards for licensing family foster homes as provided in chapters 67:42:01 and 67:42:05, ~~with the exception of § 67:42:05:03~~, or shall be approved by a tribe according to tribal law.

Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 12 SDR 187, effective May 29, 1986; 17 SDR 157, effective April 23, 1991.

General Authority: SDCL 26-6-16.

Law Implemented: SDCL 26-6-16.

67:42:09:18.01. Training and development. ~~Licensed foster parents and foster parent applicants must participate in the following training which is provided or approved by the child placement agency:~~

- ~~—(1) At least 6 hours of orientation training before receiving an initial license;~~
- ~~—(2) At least 6 hours of training in the area of child development, which must be completed before the first license renewal;~~
- ~~—(3) At least 6 hours of additional approved training before the second and each subsequent license renewal; and~~
- ~~—(4) If the foster parent cares for a child with a handicap or a behavioral or emotional disorder, an additional 12 hours of training to meet the needs of the specific child. Evidence of education, experience, or professional background in the specific area may be substituted for training to meet a child's specific needs.~~
- ~~—The foster parent must supply the child placement agency with documented evidence of completed training before each license renewal.~~
- ~~—Provisional licenses may not be granted if the foster parent lacks either the initial 6 hours of training prior to licensure or the training required for license renewal. Repealed.~~

Source: 17 SDR 157, effective April 23, 1991.

~~General Authority: SDCL 26-6-16.~~

~~Law Implemented: SDCL 26-6-16.~~